	Application No.	Applicant(s)
Notice of Allowability	10/646,071	DEAL, STEVEN A.
	Examiner	Art Unit	
	Jason B. Dunham	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Examiner's Amendment 5/11/07*.

2. ☒ The allowed claim(s) is/are *1,2,4-10 and 17-23*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

         International Bureau (PCT Rule 17.2(a)).

     * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

     (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

     (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

       Paper No./Mail Date _____ .

     Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
     Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
     of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
     Paper No./Mail Date *051107* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Russell Jeide on May 10, 2007.

The application has been amended as follows:

In the Title

The title has been amended as follows:

A system, method, and device for graphically locating merchandise. ~~Graphical Merchandise Locator~~

In the Claims

The claims have been amended as follows:

1. (Currently Amended) A merchandise locating system, the system comprising:

a display configured to present a graphical mapped image of a residential lot, the residential lot comprising at least a house and a landscape area adjacent at least a portion of the house, wherein the graphical mapped image comprises a representation of the house and the landscape area as viewed from outside the house;

an input module configured to accept user inputs; and

a user accessible computer coupled to the display and the input module, and configured to determine a portion of the graphical mapped image

corresponding to the user input and to control the display to present a lower level graphical image of the determined portion of the graphical mapped image, the lower level graphical image comprising representations of one or more of a plurality of rooms of the house, a bedroom, a bathroom, a kitchen, a laundry room, a dining room, a living room, a storage area, a garage, a plurality of landscaping features, a pool, a driveway, a yard, a deck, a fence, and a front porch;

the user accessible computer further configured to receive one or more inputs from the input module indicating a user selected portion of the lower level graphical image corresponding to a particular desired merchandise item and to determine a location in a store of the desired merchandise item, and to generate a map identifying the location in the store of the item, wherein the display presents an image of the map to the user.

2.   (Original) The system of claim 1, further comprising:

an output module coupled to the user accessible computer, and configured to provide an output identifying the location in the store of the desired item.

3.   (Canceled)

4.   (Original) The system of claim 1, wherein the user accessible computer is further configured to generate a map identifying the location in the store of the item, and wherein the output module outputs a hardcopy of the map.

5.   (Original) The system of claim 1, further comprising:

a network coupled to the user accessible computer;

a database; and

a back-end computer coupled to the network and the database, and configured to receive an identity of the portion of the graphical mapped image from the user accessible computer and retrieve from the database the lower level graphical image, the back-end computer communicating the lower level graphical image to the user accessible computer using the network.

6.   (Original) The system of claim 1, wherein the display comprises a device selected from the group consisting of a monitor, a CRT, an LCD, a touch panel, and a projection screen.

7.   (Original) The system of claim 1, wherein the input module comprises a device selected from the group consisting of a keyboard, a mouse, a touch pad, a joystick, a track ball, a pointer, and a pen.

8.   (Currently Amended) A system of locating merchandise in a store comprising a plurality of merchandise items, the system comprising:

    means for displaying a graphical mapped image of a residential lot comprising at least a house and a landscaping area proximate the house;

    means for inputting a user input and a desired merchandise selection;

    a user accessible computer coupled to the display and the input module, and configured to determine a portion of the graphical mapped image corresponding to the user input and to control the display to present a lower level graphical image corresponding to the portion of the graphical mapped image, the lower level graphical image comprising representations of one or more of a plurality of rooms of the house,

    the user accessible computer further configured to receive a second user input corresponding to a portion of the second graphical mapped image and to create a map identifying a location in the store of an item corresponding to the desired merchandise selection; and

    means for outputting displaying the map.

9.   (Original) The system of claim 8, wherein the means for outputting the map comprises the means for displaying the graphical mapped image.

10.   (Original) The system of claim 8, wherein the means for outputting the map comprises a device selected from the group consisting of a printer, a plotter, and an electronic output device.

11-16. (Canceled)

17.   (Currently Amended) A method of selecting merchandise available in a store, the method comprising:

displaying a first graphical mapped image on a display, the first graphical mapped image chosen from a hierarchy of graphical mapped images and depicting at least one of an exterior view of a house and a view of a plurality of rooms of the house;

receiving a first user input corresponding to a portion of the first graphical mapped image;

determining a second graphical mapped image from the hierarchy of graphical images based in part on the first user input, the second graphical mapped image comprising representations of one or more of a plurality of rooms of the house corresponding to a detailed image of the portion of the first graphical image;

receiving a second user input corresponding to a portion of the second graphical mapped image; and

creating displaying a map on the display, the map indicating a location locating merchandise in a store of merchandise associated with indicated by the second user input.

18.   (Original) The method of claim 17, further comprising displaying an image of the map.

19.   (Original) The method of claim 17, further comprising outputting a hardcopy image of the map.

20.   (Original) The method of claim 17, wherein creating the map locating merchandise in the store comprises:

determining the portion of the second graphical mapped image corresponding to the second user input;

determining merchandise corresponding to the portion of the second graphical mapped image;

determining an identifier corresponding to the merchandise; and determining a location of the merchandise based in part on the identifier.

21.   (Original) The method of claim 20, wherein the identifier comprises a SKU.

22.   (Currently Amended) One or more processor readable storage devices having processor readable code embodied on the processor readable storage devices, the processor readable code for programming one or more processors to perform a method of graphically locating merchandise, the method comprising:

displaying a first graphical mapped image on a display, the first graphical mapped image chosen from a hierarchy of graphical mapped images, the first graphical mapped image depicting at least one of an exterior view of a house and a view of a plurality of rooms of the house;

receiving a first user input corresponding to a portion of the first graphical mapped image;

determining a second graphical mapped image from the hierarchy of graphical images based in part on the first user input, the second graphical mapped image comprising representations of one or more of a plurality of rooms of the house corresponding to a detailed image of the portion of the first graphical mapped image;

receiving a second user input corresponding to a portion of the second graphical mapped image; and

creating a map illustrating locations of locating merchandise in the store based on the second user input, and

displaying an image of the map on the display.

23.   (Currently Amended) One or more processor readable storage devices having processor readable code embodied on the processor readable storage devices, the processor readable code for programming one or more processors to perform a method of graphically locating merchandise, the method of claim 22 wherein the second graphical mapped image comprises representations of one or more of a bedroom, a bathroom, a kitchen, a laundry

room, a dining room, a living room, a storage area, and a garage of the house. A
~~method of graphically identifying merchandise, the method comprising:~~

       ~~displaying a first graphical mapped image of an environment where
merchandise is used, the first graphical mapped image comprising at least
one of an exterior view of a house and a view of a plurality of rooms of the
house;~~

       ~~receiving a first user input corresponding to a portion of the first
graphical image of the merchandise environment;~~

       ~~determining a second graphical mapped image from the hierarchy
of graphical images based in part on the first user input, the second
graphical mapped image corresponding to a detailed image of the portion
of the first graphical image of the merchandise environment;~~

       ~~displaying the second graphical mapped image;~~

       ~~receiving a second user input corresponding to a portion of the
second graphical mapped image; and~~

       ~~receiving a request to purchase an item corresponding with the
portion of the second graphical image.~~

24-28. (Canceled)

The following is an examiner's statement of reasons for allowance:

<u>Regarding claim 1.</u>

The prior art of record neither anticipates nor fairly and reasonably teaches a system of locating merchandise, *inter alia,* which comprises the steps of:

<u>a display configured to present a graphical mapped image of a residential lot, the residential lot comprising at least a house and a landscape area adjacent at least a portion of the house, wherein the graphical mapped image comprises a representation of the house and the landscape area as viewed from outside the house;</u>

an input module configured to accept user inputs; and

<u>a user accessible computer coupled to the display and the input module, and configured to determine a portion of the graphical mapped image corresponding to the user input and to control the display to present a lower level graphical image of the determined portion of the graphical mapped image,</u> the lower level graphical image comprising representations of one or more of a plurality of rooms of the house;

the user accessible computer further configured to receive one or more inputs from the input module indicating a user selected portion of the lower level graphical image corresponding to a particular desired merchandise item and to determine a location in a store of the desired merchandise item, and to generate a map identifying the location in the store of the item, wherein the display presents an image of the map to the user.

The following reference has been identified as the most relevant prior art to the claims invention(s). The prior art relates to systems for interactive electronic shopping.

Kenney (US 6,381,583) teaches an interactive electronic shopping system and method for creating a virtual shopping facility from an actual shopping facility, such as a grocery store. Kenney does not disclose a user accessible computer coupled to the display and the input module, and configured to determine a portion of the graphical mapped image corresponding to the user input and to control the display to present a lower level graphical image of the determined portion of the graphical mapped image; the user accessible computer further configured to receive one or more inputs from the input module indicating a user selected portion of the lower level graphical image corresponding to a particular desired merchandise item and to determine a location in a store of the desired merchandise item, as required by claim 1. Moreover, none of the prior art of record remedies the deficiencies found in Kenney.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Talbott (US 6,000,610) discloses a personalized shopping system and method including a portable map indicating items locations in a store.

- Pugliese et al (US 2002/0072974) discloses a system and method for displaying and selling goods and services in a retail environment employing electronic shopper aids.

- Kjallstrom (US 2002/0010655) discloses real-time, configurable, interactive product display system and method.

- Hoffman (US 2002/0178013) discloses a customer guidance system for a retail store.

- Matsumori (US 2004/0222302) discloses a self-scanning system including a mobile personal shopping terminal.

- Owens (US 2003/0004831) discloses an interactive internet shopping and data integration method and system.

- Roslak (US 7,010,501) discloses a personal shopping system for use in a shopping establishment.

- Chu (US 2002/0174021) discloses methods and systems for optimizing a user's shopping and product acquisition experience.

- Razumov (US 2004/0153371) discloses a graphical user interface for product ordering in a retail system.

- Pavlik (US 2002/0035512) discloses a method of retail shopping including establishment specific intranet and special purpose customer assistance cash register and intranet.

- Heisler et al (CA 2338926) discloses a method and system for designing and buying products for home improvement.

- Home Depot Launches "Customer-Driven" Internet Strategy with New Web Site (see pto-892) discloses a method of allowing customers to buy products for home improvement projects.
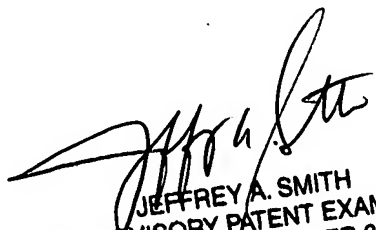
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
5/11/07

JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600